

## **PROFESSIONAL RELIANCE: REVIEW**

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### **A Challenge on the Terms of Reference and Approach**

I congratulate the government for reviewing the current management of provincial lands and waters under a professional reliance model. However, the review is putting the onus— one more time—on watchdog citizens to provide evidence that the model is flawed. **That request, in itself, is symptomatic of the failure of the system.** The onus should lie with the government to prove to the public that the current professional reliance model is working in our best interest. There is ample evidence that it is not.

The review is too narrowly defined; it doesn't address the role of deregulation, downsizing or political interference. The three topics under review are whether professional associations adequately oversee their members to protect the public interest; whether government oversight of professional associations is adequate; and if not adequate, how much is needed. **It is not the job of professional associations to protect the public's interest; it is government's job to protect the public interest.** Professional standards and land use standards are defined by legislation and if that legislation is inadequate, their practices will reflect that.

If government is seriously conducting a review of a fox-guarding-the-henhouse-model it is time to put the foxes—those that personally benefitted from this model—on trial not the chickens.

### **What is working well and what is not working**

There have been more than enough reports over the years identifying that the model is broken, including from the Environmental Appeal Board, the Forest Practices Board, the Office of the Auditor General, the Office of the Ombudsperson, the Environmental Law Centre, the Professional Employees Association and the latest April 2017 report from Evidence for Democracy, an Ottawa watchdog organization. Each one of these reports comes with a range of analyses of the problems and recommendations.

Professional reliance is considered, in most of these reports, in the context of a much larger problem of deregulation, the associated shrinking of the public service—especially the 'eyes and ears' on the land—and political interference around allocation of land and resources without due regard for the public interest and land stewardship. As Katie Gibbs, author of the Ottawa report states, "This 'professional reliance' system is a huge public interest issue but it hasn't received the attention it should because it is a difficult thing to communicate precisely. It sounds all fine, and people think that qualified professionals are looking after their interests."

Civil court cases are now being initiated because the political system has failed, and people are seeking reform of land management through the legal system as a last resort. In these judicial decisions lie answers to why the model does not adequately safeguard the

interests of the public—there are not enough laws to do the job, nor people to enforce the laws that do exist. We now have adequate evidence about the problem, thanks to the whistleblowers and independent reviewers, but we have heard nothing from those that have benefitted from this state of affairs.

In my capacity as a journalist for Focus, part of BC's independent media, I have reported on professional reliance and deregulation since 2002 also for television with CHUM TV. I have had the opportunity to interview a range of citizens, professionals from many disciplines, government scientists, politicians and regulators over the last 16 years in many different communities. Many have approached independent media out of frustration because of what they see happening on the ground and the failure of government to address their concerns: professionals who lost their jobs or were black-listed for speaking out and had to find other work; government scientists who have sent me brown envelopes on what was happening internally, and feared for their jobs; community members and first nations being drawn into expensive and protracted David and Goliath battles that they can least afford with companies concerning complex specialist topics of hydrology, dam engineering, endangered ecosystems, land tenure, soil science etc. to protect their homes, livelihoods and culture. I have seen attempts to discredit these whistleblowers—indeed as a journalist I experience it personally—and now this review process is expecting the same people to step up and prove once again there is a problem. This is a travesty in itself.

There are scant resources available for the few independent media that exist in this province, so it is safe to assume that what I have witnessed is just the tip of the iceberg. There are 53 million hectares of public lands that are largely unmonitored and under-reported. Each big issue I've covered could easily have warranted a public review with the time and resources needed to assemble the complex technical evidence, whether it was the failure to protect critical wildlife habitat through logging in mid-Vancouver Island; the collapse of Mount Polley dam; the Shawnigan Lake toxic dumping issue; eastern Vancouver Island flooding from logging; the long term impacts to fisheries and tourism from inadequate fish farm siting assessments; the desecration of cultural sites from Bear Mountain to Grace Islet through bogus archaeological site assessments; the failure of Site C cumulative impact assessments; failures in proper reviews of fracking in the north east; the collapse of mountain caribou populations from failure to plan for habitat conservation; the loss of red-listed ecosystems by putting their definition in the hands of the companies; the conflict of interest in government pension investment companies investing in resource companies, the list goes on and on. Many of them, under closer scrutiny could border on fraudulent activity where industry, in an unregulated and unmonitored environment, acted in collusion with government. The "Wild West" of political cash donations, as reported in the *New York Times*, has a direct corollary with the "wild west" of professional reliance on stewardship of public lands over the last 16 years.

Evidence for Democracy chose the BC situation for its first provincial review "because there had been lots of rumours that BC's public sector was particularly dysfunctional in Canada and badly in need of an independent review." When Katie Gibbs and her co-author started interviewing government scientists, she said, "I couldn't believe what I was hearing from these scientists: That monitoring was outsourced to the professionals who were contracted by the very companies that they were monitoring? Was this for real?" While Gibbs and her co-authors don't use the word "fraud" to describe what they found,

they do note, "The results from our survey show that around half (49 percent) of government scientists surveyed across ministries believe that political interference is compromising their ministry's ability to develop laws, policies and programs based on scientific evidence."

The articles below (and these are only selected ones from one magazine in the last seven years) describe the situation on the ground. They reveal the common concerns being raised by members of the public all over British Columbia—the real politik:

- 1) There is no one out on the land anymore whose sole mandate is protecting the public interest and monitoring what is going on
- 2) Even if a citizen is out there on their own time, monitoring impacts to public lands, they are up against all odds; a deregulated framework, limited access to increasingly proprietorial information about our public lands; bullying, stalling, divide and conquer tactics by industry; a requirement to become instant experts; limited resources, time and reliance on volunteers.
- 3) A citizen who is concerned with the health of the land and water has no one to turn to, not the government, the mainstream media, the professional associations or even the courts, which are prohibitive to the average person. They are told by government to negotiate with the company and that it is a question of "social license." When citizens turn to the courts, there discover there are no laws for judges to enforce. This is when the true failure of the system is exposed. People invest a great deal of time to unpack this complex issue only to discover that 'professional reliance' is actually a marketing tool to sell deregulation and create a false of security to the public.
- 4) Professionals, who want to practice at a higher standard than what exists in law or through their professional association, have the same problem of having no one to turn to.
- 5) Professionals hired by companies to work on single projects cannot be expected to assess projects in the wider context of cumulative impacts or plan for the long-term health of the land and water in a time of climate change.

[Blood, sweat and Tavish Campbell](#) Jan/Feb 2018

[New government will review "professional reliance"](#) Sept/Oct 2017,

[An Orwellian path to fraud in BC's forests](#) May/June 2017

[Professional reliance experiment a regulatory failure?](#) September 2016

[100 days of destruction](#) December 2015

[Cermaq v. the people](#) November 2015

[Sonora Island old-growth forests to feed pensioners?](#) September 2015

[War in the Woods II ?](#) July/August 2015

[Lori and Goliath](#) May 2015

[The Great Bear: worth more alive than dead](#) January 2015

[Community intervention for local parks needed](#) December 2014

[The Sonora Stump Reports](#) September 2014

[Do we really need Site C?](#) July/August 2014

[Forest tenure reform a Crown land grab?](#) May 2014

[The multiple meanings of "research"](#) April 2014

[Ground Zero: Island Timberlands](#) March 2014

[The consequences of risky behaviour](#) December 2013

[Bulldozing burial grounds](#) November 2013  
[Killing the golden goose updated](#) October 2013  
[Killing the golden goose](#) September 2013  
[The politics of nature \(part 2\)](#) May 2013  
[The politics of nature \(Part 1\)](#) April 2013  
[Rolling over Crown forests](#) March 2013  
[Retirees on the rampage](#) January 2013  
[A flood just waiting to happen](#) May 2012  
[Pensions on trial](#) November 2011  
[Unreported crimes on the rise](#) September 2010  
[The Big Burn](#) August 2010  
[Disturbing the Peace](#) July 2010  
<https://www.youtube.com/watch?v=fef-5MI2Xvs&feature=youtu.be> 2002 Working Forest

### **What changes are needed**

More than anything, we need leadership from government. The brave citizens that have taken on these issues in the public interest deserve our respect and gratitude. They have done far more than what could be expected from any citizen to protect land and water in BC. Now they need the full backing and leadership from government to seriously consider and act on the recommendations provided by the independent reviews.

We need leadership in policy formation. One of the other casualties of the last 16 years has been informed, innovative land-use policy development. Government used to concern itself with addressing the complex legal, economic, ecological and social factors in good policy. These positions were eradicated along with research departments, libraries, the on-ground regional staff and planning offices that could inform such policy. We desperately need policy leadership from government to fill the vacuum. Government needs to motivate and stimulate policy work from communities, from NGOs, from government bureaucrats and from the resource users and developers.

We need leadership in stimulating public dialogue again around land use planning within the context of climate change, changing socio-economic conditions, a rapidly accelerating decline in biodiversity and long overdue obligations to uphold indigenous rights.

We need leadership in telling the story to British Columbians exactly what has been going on in the forests, shorelines, rivers, lakes and wetlands of British Columbia over the last 16 years, why they should care and a clear vision of how to turn this around. Government needs to reclaim responsibility for the public interest, back from industry and professional associations that were never given that mandate by the public in the first place.

We need leadership in identifying the financial drivers of issues—who benefits and who doesn't—especially where there is a conflict of interest, e.g., political donors, even the BC Investment Management Corporation. The BC government needs to clean up its own house!

We need leadership in investigating the most egregious issues caused by the PR and deregulation model. The huge public costs of preventable accidents like Mount Polley

need to be accounted for and the costs born by those that benefitted. Theft of public resources needs to be identified and penalized like any crime.

We need leadership to protect the whistleblowers and prevent SLAPP suits. Citizens that take on these issues need to have clear, safe and transparent means to bring their concerns to government.

We need leadership in explaining the kinds of anti-democratic tactics that have been employed in resource communities, as in other parts of the world, to suppress dialogue, dissent from company views, public review of projects, under the guise of PR and deregulation.

In closing, government should reinstate professionals as one small part of a much larger, robust system of land and water use legislation for public lands that adequately captures our 21<sup>st</sup> international commitments to climate change, biodiversity and indigenous rights.